

Pastor Simion Timbuc from Bethesda Romanian Pentecostal Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, July 23, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:33 PM.

B. ROLL CALL:

Mayor Janice Daniels
Jim Campbell
Wade Fleming
Dave Henderson
Maureen McGinnis
Dane Slater
Doug Tietz (Arrived at 7:37 PM)

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Troy Chamber of Commerce – Troy Birmingham Transit Center Operating Expenses Funding Model Update

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Zoning Ordinance Text Amendment (File Number ZOTA 243) – Proposed Amendment to Article 5, Permit Financial Institution Drive-Through Uses Within the Big Beaver District by Special Use Approval

The Mayor **OPENED** the Public Hearing.

The Mayor **CLOSED** the Public Hearing after receiving comment from Jeff Wagner of 5/3 Fifth Third Bank.

Resolution #2012-07-148

Moved by Fleming

Seconded by Tietz

RESOLVED, That Article 5 of the City of Troy Zoning Ordinance, pertaining to the permitting of financial institution drive-through uses within the Big Beaver District by special use approval, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 243), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: All-7

No: None

MOTION CARRIED**F. PUBLIC COMMENT:**

Holeton, John	Spoke on I-4 Smart Meter Resolution
Holeton, Pauline	Spoke on I-4 Smart Meter Resolution
Savage, James	Spoke on the Troy Birmingham Transit Center
Walters, Allen	Spoke about proposed street signs
Walters, Roger	Spoke about proposed street signs
Schepke, Gordon	Spoke about new management, the recall efforts, and other topics.
Wilsher, Cynthia	Spoke about the transit facility, public comment, and other topics.
Peters, Richard	Spoke about various topics.
Kajma, Linda	Spoke about Mayor Daniels.
Lee Kochenderfer	Spoke against the recall efforts.

G. RESPONSE / REPLY TO PUBLIC COMMENT**H. POSTPONED ITEMS:**

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None

a) Mayoral Appointments - None

b) City Council Appointments - None

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Historic District Commission; Parks and Recreation Board

a) Mayoral Nominations - None

b) City Council Nominations:

Resolution #2012-07-149

Moved by McGinnis

Seconded by Slater

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Term Expires: 07/31/2013**Gary Hauff****(Troy School Board Member)****Term currently held by:** Gary Hauff**Term Expires: 07/31/2013****Aditya Yelamanchi****(Student Rep.)****Term currently held by:** Aditya Yelamanchi

Yes: All-7

No: None

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Smart Meter Resolution

Resolution #2012-07-150

Moved by Slater

Seconded by Campbell

WHEREAS, Detroit Edison Company, Consumers Energy Company and other energy providers have deployed Smart Meters in Troy; and

WHEREAS, The Michigan Public Service Commission (MPSC) opened a case on January 12, 2012 (Case U-17000), and directed electric utility companies to provide information on whether the electric utility intends to allow customers to opt out of having a Smart Meter and, if so, how does the utility intend to recover the cost of an opt out program; and

WHEREAS, The MPSC's Order also issued a temporary moratorium on any new installations of Smart Meters until further Order; and

WHEREAS, HB 5411 has been introduced in the Michigan Legislature, which would codify the rights of customers to decline the installation of a Smart Meter or ask to have an installed Smart Meter removed; and

WHEREAS, Michigan Attorney General Bill Schuette filed comments in MPSC Case U-17000 on April 16, 2012. In his comments, he strongly advocated that customers should be afforded a meaningful and fair opportunity to opt out of Smart Meter installation without being penalized by unwarranted and excessive costs; and

WHEREAS, There has been concern expressed by some electric customers that the Smart Meters are overly intrusive into their energy usage; and

WHEREAS, Some electric customers have alleged that emissions from the Smart Meters are actually dangerous to their health.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **SUPPORTS** the ability of customers to opt out of the Smart Meter program on their homes.

BE IT FURTHER RESOLVED, That the Troy City Council **AGREES** with Attorney General Schuette that utility customers who opt out of the Smart Meter program should be able to opt out without being penalized by unwarranted and excessive costs; and

BE IT FURTHER RESOLVED, That the Troy City Council **SUPPORTS** HB 5411 to the extent that it legislatively mandates a Smart Meter Opt Out provision; and

BE IT FURTHER RESOLVED, That copies of this resolution be **SENT** to Governor Snyder, the Oakland County delegation of the Michigan Legislature, the Michigan Attorney General, the Michigan Public Service Commission, the Michigan Association of Counties and the Oakland County Board of Commissioners and all elected officials representing the City of Troy.

Yes: All-7

No: None

MOTION CARRIED

I-5 City Manager Search

Resolution #2012-07-151

Moved by Daniels

Seconded by McGinnis

a) Approval of City of Troy Profile for the Position of City Manager

BE IT RESOLVED, That the City of Troy Profile for the Position of City Manager is **APPROVED**. A copy of the profile will be **ATTACHED** to the minutes of this meeting, as well as **POSTED** on the City of Troy webpage.

c) Call for Special Meeting – Interviews of Finalists

BE IT RESOLVED, That a Special Meeting of the Troy City Council is **CALLED** for Wednesday, August 29, 2012, starting at 9 AM and continuing on Thursday, August 30, 2012, starting at 9 AM, in the City Council Board Room, 500 W. Big Beaver Road, Troy, MI 48084, for the purpose of conducting interviews of the finalists for the City Manager position and for the purpose of deliberating and selecting a new City Manager.

Yes: All-7

No: None

MOTION CARRIED

I-5 City Manager Search**b) Call for Special Meeting – Closed Session Regarding Finalists**

Resolution #2012-07-152

Moved by Tietz

Seconded by Slater

BE IT RESOLVED, That a Special Meeting of the Troy City Council is **CALLED** for Wednesday, August 15, 2012 at 5 PM in the City Council Board Room, 500 W. Big Beaver Road, Troy, MI 48084, for the purpose of meeting in Closed Session, as permitted by MCL 15.268 (f) and MCL 15.268 (h)- MCL 15.243 (e) and (k), to review material and/or select finalists to be scheduled for interviews.

Yes: All-7

No: None

MOTION CARRIED**J. CONSENT AGENDA:**

J-1a Approval of “J” Items NOT Removed for Discussion

Resolution #2012-07-153

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item J-4b, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7

No: None

MOTION CARRIED

J-1b Address of “J” Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2012-07-153-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of July 9, 2012, as submitted.

J-3 Proposed City of Troy Proclamations: None Proposed

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals: Southeast Michigan Council of Governments (SEMCOG)**

Resolution #2012-07-153-J-4a

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$9,861.00, which covers the time period of July 15, 2012 to July 15, 2013.

- c) **Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend Funds – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

Resolution #2012-07-153-J-4c

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Troy Police Department to receive the 2010 Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,604.00 and amend the budget accordingly to expend the funds for the purchase of security equipment for the prisoner detention center from the sole source provider, Simplex Grinnell, for an estimated total cost of \$10,597.00, as detailed in the attached quote dated March 28, 2012.

J-4 Standard Purchasing Resolutions:

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Beaver Trail Park Fencing**

Resolution #2012-07-154

Moved by Henderson

Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a contract to remove and replace the fencing surrounding the detention pond at Beaver Trail Park to the low bidder, Motor City Fence Company of Troy, MI, for an estimated total cost of \$15,029.00, as reflected on the bid tabulation opened June 21, 2012, w be **ATTACHED** to the original minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** contractor's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

Yes: All-7

No: None

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) August 13, 2012 – Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation at 750 W. Wattles

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

L. COUNCIL REFERRALS:

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

L-1 Council Member Henderson Referred Distracted Driving Ordinance for Discussion

Moved by Henderson
Seconded by Fleming

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to prepare an amendment to Chapter 106 – Traffic by deleting part 3. of Section 1.20.05.

Vote on Resolution to Postpone L-1 Council Member Henderson Referred Distracted Driving Ordinance for Discussion to the August 13, 2012 City Council Meeting

Resolution #2012-07-155
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council **POSTPONES** Item *L-1 Council Member Henderson Referred Distracted Driving Ordinance for Discussion* to the August 13, 2012 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Council Member Tietz spoke about many school districts no longer being responsible for collecting dues for collective bargaining agreements. Additionally, he mentioned that many school districts have adopted 80/20 plans for healthcare insurance. Council Member Tietz supports pursuing these options for future collective bargaining agreements with the City of Troy.

Council Member Campbell, in an effort to clarify discussion from the July 9, 2012 City Council Meeting, read into record the votes from the November 28, 2011 City Council Meeting regarding the 6-day and 7-day operation for the Troy Public Library.

Mayor Pro Tem McGinnis announced that Gleaners Community Food Bank of Southeast Michigan is promoting their Hunger Free Summer Food Fight for kids. It is a contest between businesses to help feed area children in need. Donations of canned and dry goods can be dropped off at City Hall, the Troy Public Library, and the Community Center. Monetary donations can be given to the Community Affairs Office at City Hall.

The Mayor announced that the State of the City Address will be held on September 20, 2012 at the Troy Community Center at 7:00 PM.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Zoning Board of Appeals-Draft-June 19, 2012
 - b) Zoning Board of Appeals-Final-June 19, 2012
 - c) Planning Commission-Special/Study-Draft-June 26, 2012
 - d) Planning Commission-Special/Study-Final-June 26, 2012
- Noted and Filed
-

N-2 Department Reports:

- a) Building Department Report – June, 2012
 - b) Update on Library Strategic Planning Process
- Noted and Filed
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N-3 Letters of Appreciation:

- a) Letter of Appreciation to Mike Culpepper and City Council from Nancy and Don Johnson Thanking Paul Evans and Gary Bowers for Assistance
 - b) Letter of Appreciation to Chief Mayer from Andrew and Barbara Bartos Thanking Officer Drewek for Assistance
 - c) Letter of Appreciation to Chief Mayer from Jeffrey Frost, Special Agent in Charge, from the United States Secret Service, Thanking Troy Police Department Personnel for Assistance
 - d) Letter of Appreciation to Chief Mayer from Deborah Berkey Thanking Troy Police Department Personnel for Assistance
- Noted and Filed
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N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed

Noted and Filed

N-5 Informational Item from David Ewick – City Librarian, Southfield Public Library, Regarding Shortened Hours of Operation

Noted and Filed

N-6 Fireworks Regulations

Noted and Filed

O. STUDY ITEMS

O-1 Council Rules

P. CLOSED SESSION:

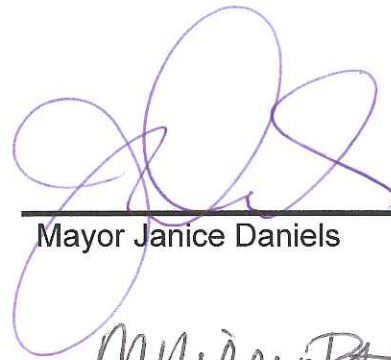
P-1 No Closed Session

Q. ADJOURNMENT

The Meeting **RECESSED** at 9:44 PM.

The Meeting **RECONVENED** at 9:56 PM.

The Meeting **ADJOURNED** at 11:28 PM.



Mayor Janice Daniels



M. Aileen Bittner, CMC
City Clerk